

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE  
N/S Gardenview Road, 800 ft.  
W of Stevenson Road  
3510 Gardenview Road  
3rd Election District  
2nd Councilmanic District  
Jerome Leibowitz, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-130-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Jerome and Betty I. Leibowitz, his wife for that property known as 3510 Gardenview Road in the Stevenson Park subdivision of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) in the side yard in lieu of the rear yard, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of October, 1993 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) in the side yard, in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated October 28, 1993, attached hereto and made a part thereof.

3. The Petitioners landscape plan, as shown on Petitioners' Exhibit No. 1, is subject to review and approval by the County's Landscape Architect. The approved landscape plan shall become a permanent part of the record and file in this matter.

LES:mmn

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

-2-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 29, 1993

Mr. and Mrs. Jerome Leibowitz  
3510 Gardenview Road  
Pikesville, Maryland 21208

RE: Petition for Administrative Variance  
Case No. 94-130-A  
Property: 3510 Gardenview Road

Dear Mr. and Mrs. Leibowitz:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

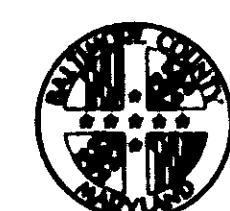
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
encl.

cc: Mr. Mort Spero, Maryland Pools, Inc.



## Petition for Administrative Variance 94-130-A to the Zoning Commissioner of Baltimore County for the property located at 3510 Gardenview Rd.

which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 TO PERMIT A PROPOSED KLETSKY STRIKE (SWIMMING POOL) IN SIDE YARD OF REAR YD

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

SEE AFFIDAVIT

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County, subject to the Zoning Law for Baltimore County.

Contact Purchaser/owner  
Type or Print Name  
Signature  
Address  
City  
State  
Zip  
Type or Print Name  
Signature  
Address  
City  
State  
Zip  
Name Address and phone number of representative to be contacted  
Morton Spero  
3515 Herwig Lane #119  
Columbia, Md. 21046 410-393-5600

REVIEWED BY: JH DATE: 9/24/93  
ESTIMATED POSTING DATE: 10/10/93

ITEM # 140

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereon in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 3510 Gardenview Rd.  
Pikesville Md. 21208  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty)

The only available area to construct a swimming pool is behind the rear line of the main brick house and to the side of an added frame studio building. The studio building is connected to the main house by a breezeway. (see attached)

Because of the existing drainage reservation, septic system and slope of the property, it would be cost prohibitive and impossible to place the pool in any other location.

The Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Jerome Leibowitz Betty I. Leibowitz  
Type or print name Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this day of September, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Jerome Leibowitz, Betty I. Leibowitz

the Affiant(s) have, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of their knowledge and belief.

AS WITNESS my hand and Notarial Seal

20 Sept 93

My Commission Expires: 1 Nov 1994

## EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 3510 Gardenview Rd.

Election District 3 rd Councilmanic District 2nd

Beginning at a point on the South East side of (north, south, east or west)

Garden View Rd. which is 50' (number of feet of right-of-way width)

wide at a distance of 800'± West of the (number of feet) (north, south, east or west)

Centerline of the nearest improved intersecting street Stevenson Rd. (name of street)

which is (number of feet of right-of-way width) wide. \*Being lot # 33

Block B, Section # in the subdivision of

Stevenson Park (name of subdivision) as recorded in Baltimore County Plat

Block # WVR 27, Folio # 141, containing

38,680 ± 0.887 (square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber #, Folio # and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 14' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 3rd Date of Posting 10/10/93

Posted for: Variance

Petitioner: Jerome & Betty Leibowitz

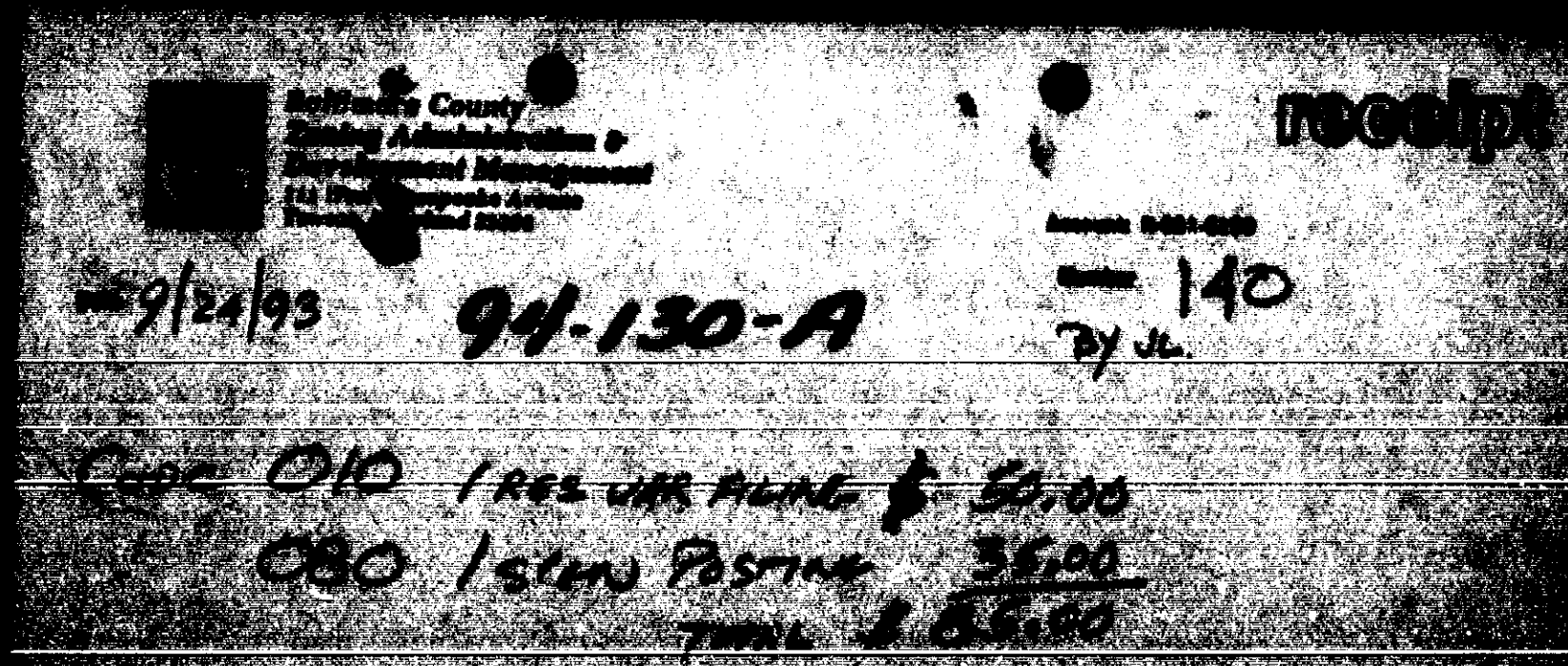
Location of property: 3510 Gardenview Rd., N/S, P.O. #/Owner's R/L

Location of signs: Facing east/south on property to be posted

Remarks:

Posted by: [Signature] Date of return: 9/8/93

Number of signs: 7



Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 140

Petitioner: Jerome & Betty Leibowitz

Location: 3510 Gardenview Rd - Pikesville, MD - 21208

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Jerome & Betty Leibowitz

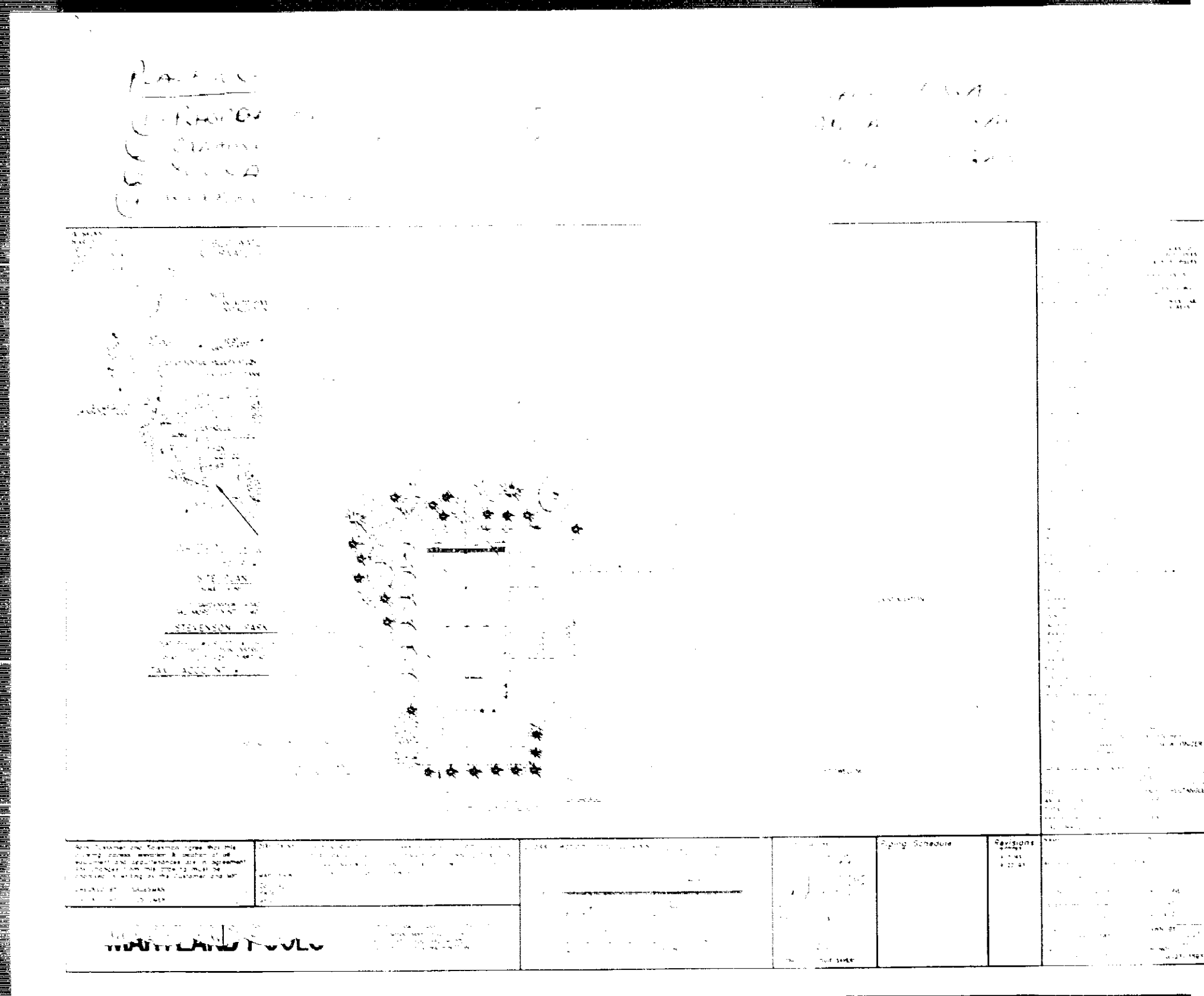
ADDRESS: 3510 Gardenview Rd - Pikesville, MD - 21208

PHONE NUMBER: 410-486-3041

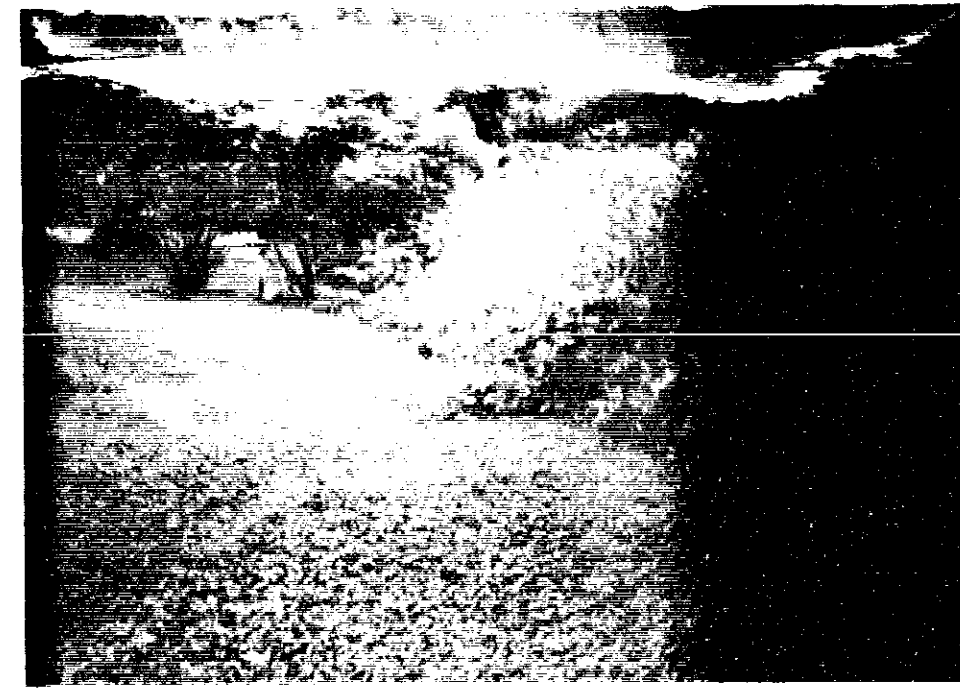
AJ:ggg

(Revised 04/09/93)

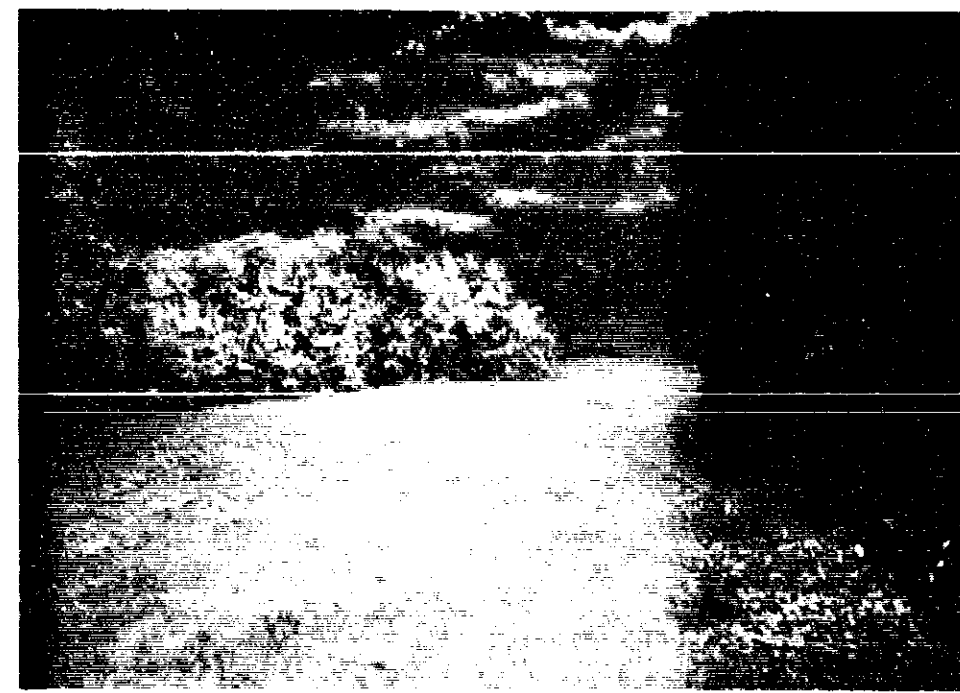




94-130-A



From house looking at site.

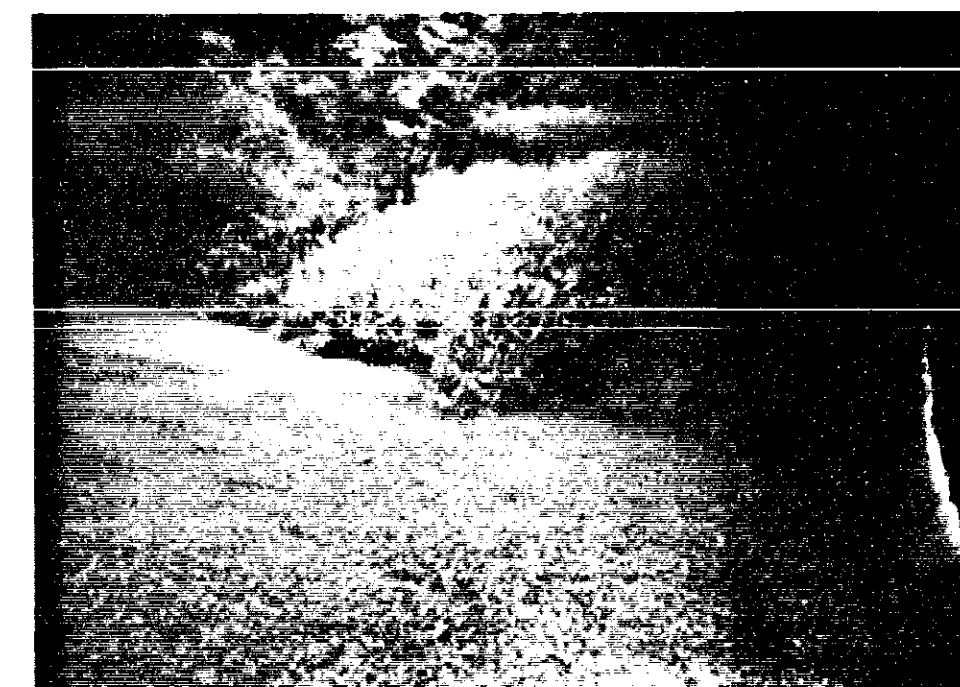


Site of pool from front looking at site

94-130-A



Front of House

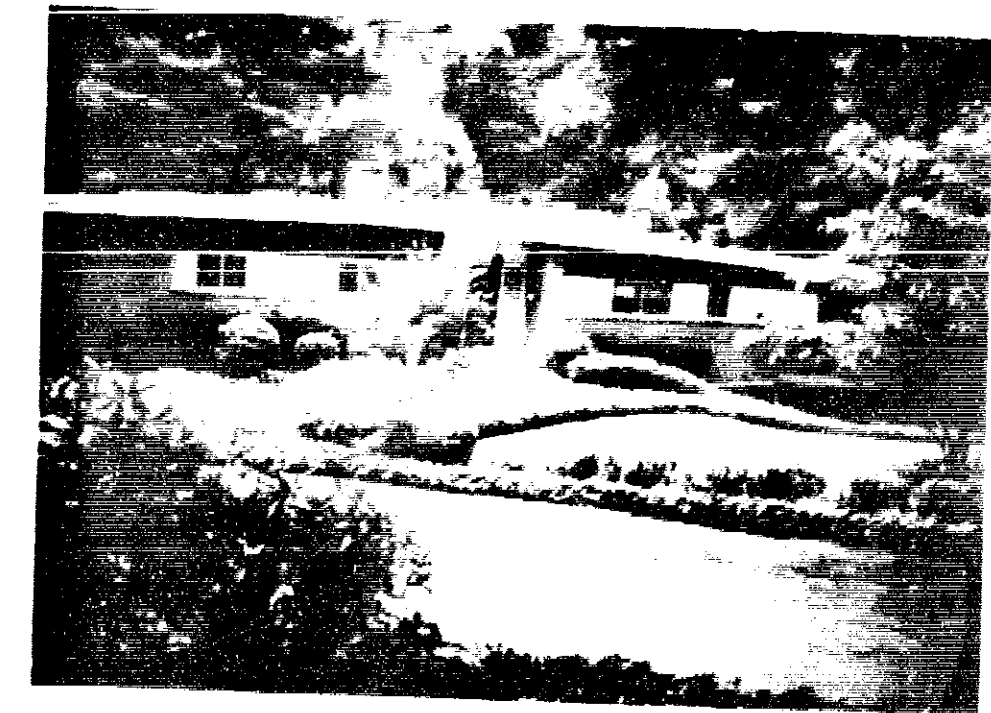


Pool Site

94-130-A



Parking Area in front of house. Pool site below parking area.

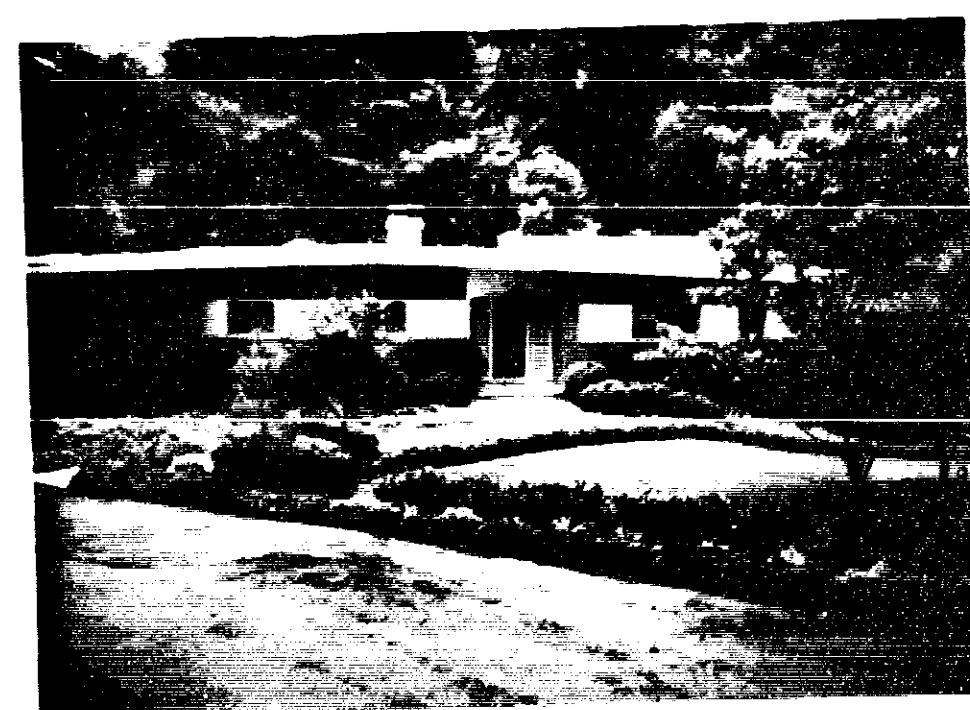


Front of House

94-130-A



From REAR PORCH TO POOL SITE

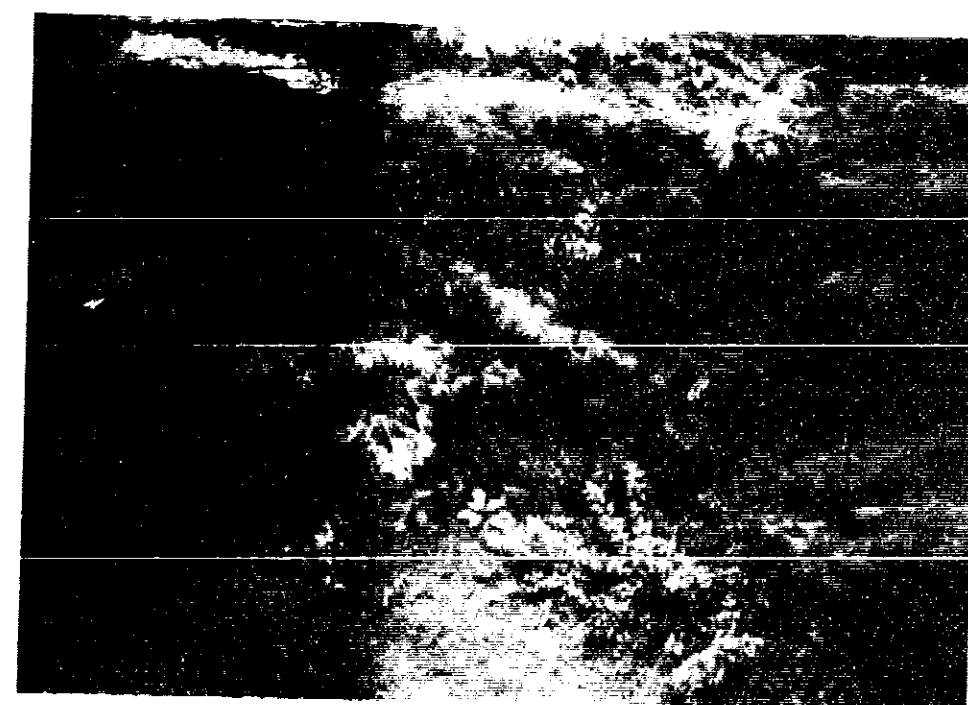


FRONT OF HOUSE

94-130-A



Slope from pool site



"

94-130-A

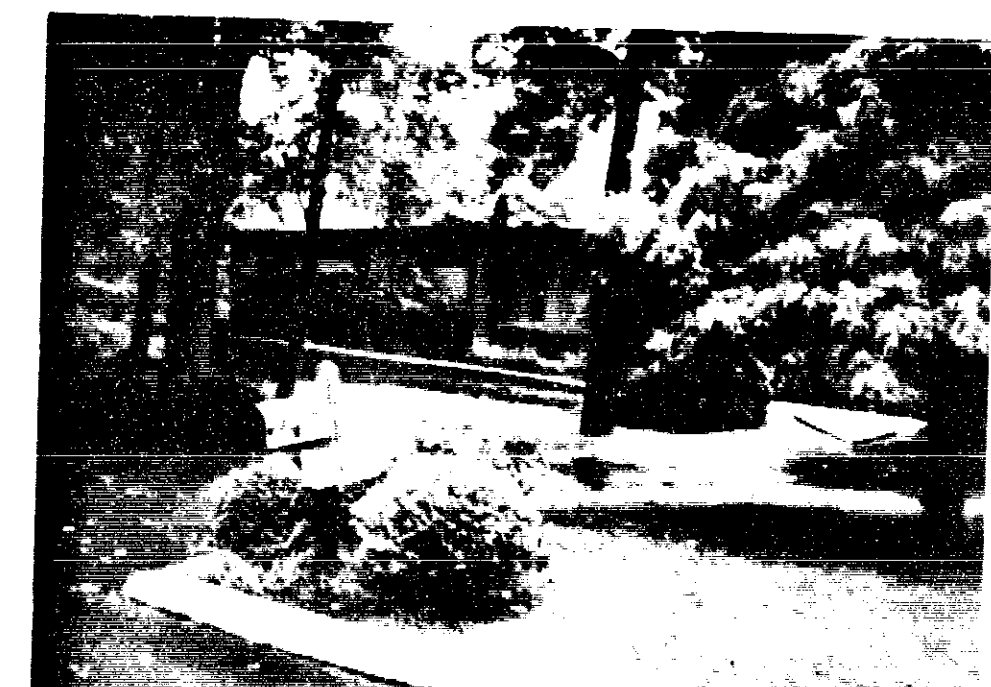


Neighbor to left



"

94-130-A



8501 Arborwood Rd, Neighbor to left



Neighbor to left

SETBACKS:  
 REAR PL. 6'  
 SIDE PL. 6'  
 HOUSE N/A  
 SEPTIC 20'  
 WELL N/A

# PUBLIC WATER & PRIVATE SEPTIC

NOTE  
 AN AUTO POOL COVER WILL BE  
 INSTALLED IN LIEU OF REQ'D FENCE

## PLANTING TO BE PROVIDED

- 1 RHOODEN DRON 3 GAL
- 2 ORNAMENTAL GRASSES 1 GAL
- 3 YUCCA 3 GAL
- 4 WEeping CHERY 5'-6'
- 5 ABELIA 1-GAL
- 6 ABELIA 1-GAL
- 7 FORSYTHIA 1-GAL

NOTE: WALL TO BE ATTACHED TO  
 EX. HOUSE, AVERAGE HGT. 2'6"

PROP. LANDSCAPING  
 BY OWNER

AUTO POOL COVER  
 RIGHT HAND DRIVE

6' LONG INSIDE LOVESEAT  
 2' HIGH

J. BOX

POOL

18" HIGH

6" HIGH

175 SQ. FT. WOOD DECK - BY M.P.I.  
 4" HIGH WOOD RAILING W/ 2" X 2" SQUARE PICKETS

38'6" LAYOUT DIMEN.

TYP. 5' LONG AQUA BENCH

515 SQ. FT. BRUSHED CONC. - BY M.P.I.

EX. WOOD DECK

EX. DECK

EXIST. DWELLING

EX. GARAGE

ACCESS  
 17'0" LAYOUT DIMEN.

135 LIN. FT. DRAIN TILE  
 & STONE - BY M.P.I.

3' HIGH

340 SQ. FT. TIE WALL - BY M.P.I.

6" HIGH

EXIST. SIDE  
 PROPERTY LINE

## GARDENVIEW RD. 50' R/W

### SITE PLAN SCALE: 1" = 50'

3510 GARDENVIEW ROAD  
 BALTIMORE COUNTY, MD. 21208

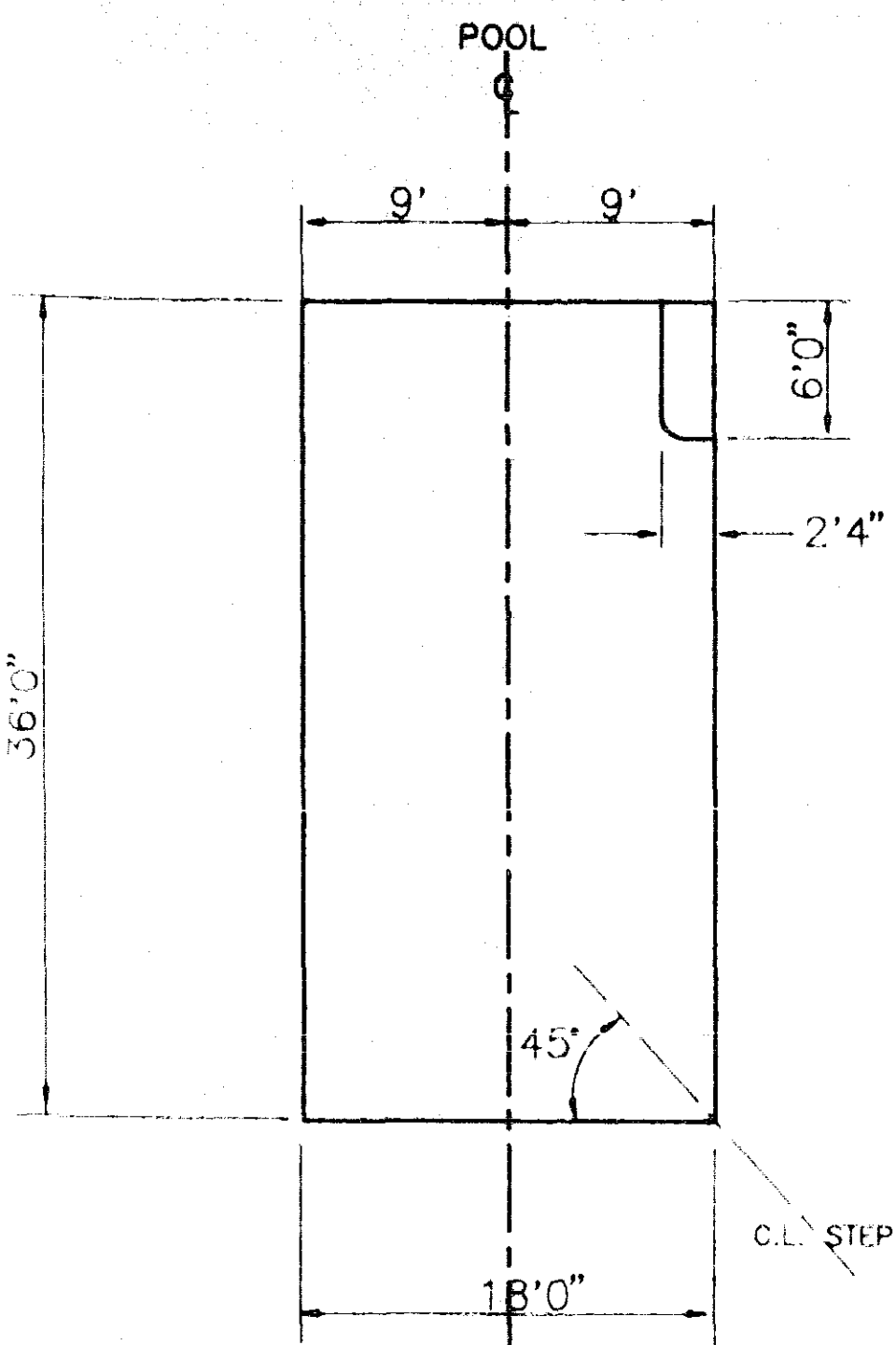
### STEVENSON PARK

PLAT REF. - W.J.R. 27/141 BLOCK B,  
 3RD ELECTION DISTRICT

PLAT II, LOT SIZE - 0.887 AC. +/-

### TAX ACCOUNT #

*Relators  
 No. 1*



LAYOUT DETAIL  
 SCALE: 1/8" = 1'0"

## GENERAL NOTES

- 1) FT. OF ELECTRIC IN CONTRACT.
- 2) POOL AREA TO BE FENCED BY GATES TO BE SELF CLOSING & LATCHING PER COUNTY CODES.
- 3) STEPS TO HAVE 12" +/- TREADS & 8.25" RISERS. TOP TREAD TO 18".
- 4) DO NOT TURN POOL LIGHTS ON WHEN POOL IS EMPTY.
- 5) DO NOT USE BLACK RUBBER HOSE WHEN FILLING POOL. IT WILL MARK PLASTER & COPING.
- 6) WET DOWN CONCRETE SHELL AT LEAST TWICE DAILY FOR 7 DAYS WHEN TEMP. EXCEEDS 70 DEGREES.

## SPECIAL NOTES

EXCAVATION CREW:  
 SEE MORT SPERO

PLUMBING CREW:

STEEL CREW:

GUNITE CREW: PUMP FROM STREET

COPING & TILE:

DECK CREW:

PLASTER CREW:

## EQUIPMENT LIST

DIRT: ON SITE  
 TILE: TBD  
 COPING: FLAT  
 STEPS: INCLD. STYLE: STD.  
 PLASTER: WHITE MARBELITE  
 FILTER: DE60 W/2 H.P. PUMP, SEP. TANK

SAFETY EQ: INCLD.  
 CLEANING EQ: INCLD.  
 VACUUM EQ: INCLD.  
 DIVING EQ: NONE  
 LADDERS: NONE  
 GRABRAILS: NONE  
 LIGHTS: ONE  
 WATTS: 500 VOLTS: 120  
 HEATER: NONE  
 SPA: NONE  
 LOVESEAT: ONE, 6' LONG (INSIDE)  
 DECKING: DECKS - BY M.P.I.  
 POOL COVER - WINTER: YES  
 SOLAR: NONE  
 AUTO: YES

FENCE: N/A  
 OTHER ITEMS: CANT. HANDRAIL INCL.,  
 (2) 5' LONG AQUA BENCHES,  
 SMART POOL SYSTEM W/ IONIZER  
 & MAGNETIZER  
 PCC-2000

HOURS GRADING IN CONTRACT: ONE

## POOL DATA

SIZE: 18' X 36'6"  
 AREA - POOL: 657 SHAPE: RECTANGLE  
 TOTAL Sq. Ft.: 657 OTHER:  
 PERIMETER - POOL: 109  
 GALLONAGE: 23,100 OTHER:

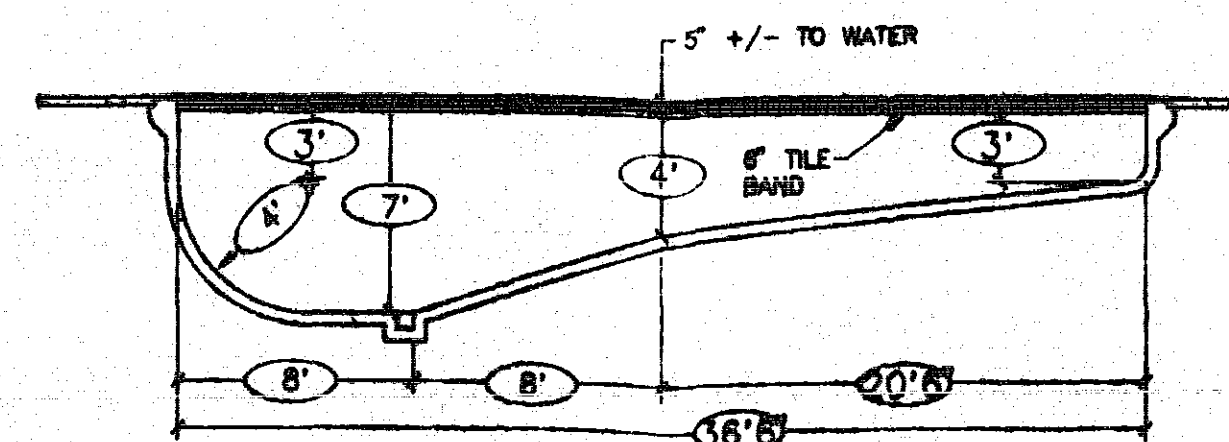
Both Customer and Salesman agree that this drawing, access, elevation & location of all equipment and appurtenances are in agreement. Any changes from this drawing must be approved in writing by the Customer and MPI.

CHECKED BY - SALESMAN  
 CHECKED BY - CUSTOMER

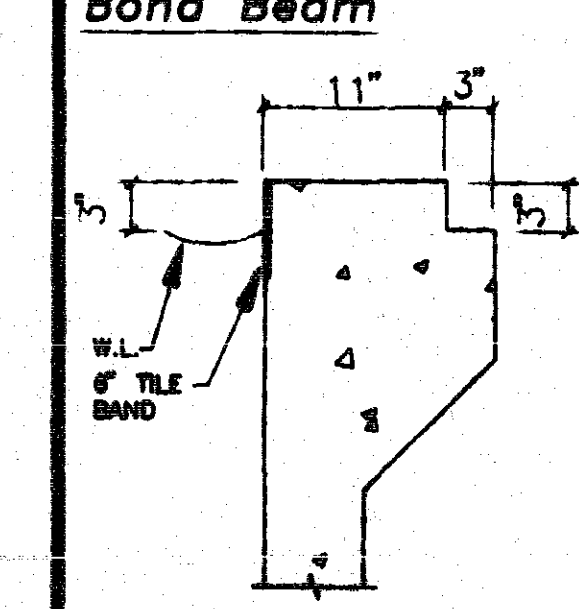
DIRECTIONS: 1-695 NORTH TO EXIT 21, PARK HGTS. AVE., CROSS OVER TO BY-PASS, CONT. TO STEVENSON RD., TURN LEFT & CONT. TO GARDENVIEW RD., TURN LEFT & FOLLOW TO SITE ON RIGHT AT 3510 GARDENVIEW RD.

MAP BOOK:  
 Co.: BALTO.  
 PAGE: 25  
 GRID G-6

## Cross Section POOL ELEVATION: TO BE SET BY M.P.I. ON DAY OF EXCAVATION



## Bond Beam



## Piping Schedule

Revisions  
 9/2/93  
 9/7/93  
 9/22/93  
 9/23/93

NAME: JERRY & BETTY LEIBOWITZ

ADDRESS: 3510 GARDENVIEW RD.

CITY: PIKESVILLE, MD. 21208

COUNTY: BALTIMORE ZONE: ONE

TELEPHONE - HOME: 301-486-3041

OFFICE: 301-234-3412

SCALE: AS DRAWN

DRAWN BY: D.J.T.

DATE: AUGUST 30, 1993

JOB NO: MS93-3593

MARYLAND POOLS

9515 GERWIG LANE - SUITE 119  
 COLUMBIA, MARYLAND 21046  
 410-985-6600 BALTIMORE  
 301-621-3319 WASHINGTON

